

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

CLAUDIA ARIAS

VS.

WALMART, INC.

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C.A. NO. 5:20-cv-476

JURY DEMANDED

NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. § 1441

TO THE CLERK OF THE ABOVE ENTITLED COURT:

Please take notice that Defendant, Wal-Mart, Inc. hereby removes to the Court the state action described below.

1. On March 17, 2020, a civil action was commenced, in the 225th Judicial District Court of Bexar County, Texas, entitled *Claudia Arias v. Wal-Mart, Inc.*; Cause No2020CI05627. A copy of Plaintiff's Original Petition is attached hereto as **Exhibit A**.

2. Service of summons and complaint was made on Defendant, Wal-Mart, Inc. by process server on March 19, 2020. Defendant, Wal-Mart, Inc. first received a copy of said Petition on March 25, 2020. A copy of the Citation is attached hereto as **Exhibit B**.

3. Defendant has filed an Original Answer, which is attached as **Exhibit C**, a Demand for Jury Trial, which is attached as **Exhibit D** and a Notice of Filing of Removal to Federal Court, attached as **Exhibit E**. Defendant has attached all process, pleadings, and orders in the State Court action as required by 28 U.S.C. 1446(a).

JURISDICTION AND VENUE

4. The action is a civil action of which this Court has original jurisdiction under Title 28 U.S.C. § 1332 (Diversity Jurisdiction), and is one which may be removed to this Court pursuant to Title 28 U.S.C. § 1441. There is complete diversity of citizenship amongst the parties. Defendant Walmart, Inc. is incorporated under the laws of the state of Delaware with its principal place of business in Bentonville, Arkansas. As such, Defendant Walmart, Inc. is not a Texas

citizen. Plaintiff is a Texas citizen, with her residence in Bexar County, Texas.

5. The amount in controversy exceeds the sum of Seventy-five Thousand Dollars (\$75,000.00), exclusive of interest and costs. *See page 10 of Plaintiff's Original Petition.*

7. Venue is proper in the Western District of Texas, San Antonio Division because this District and Division embrace the place in which the action is pending.

Dated: April 16, 2020

Respectfully submitted,

Daw & Ray
A Limited Liability Partnership

/s/ *Willie Ben Daw, III*
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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and correct copy of the above and foregoing instrument has been served upon all known counsel of record by electronic service on this the 16th day of April, 2020.

Alexander Begum
Bryan Schoeppey
Villarreal & Begum, PLLC
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San Antonio, Texas 78201

Email: bryan@vblawgroup.com

/s/ *Willie Ben Daw, III*
Willie Ben Daw, III

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INDEX OF DOCUMENTS FILED WITH REMOVAL ACTION

- (A) Plaintiff's Original Petition and Discovery
- (B) Citation
- (C) Defendant's Original Answer
- (D) Defendant's Demand for Jury Trial
- (E) Notice of Filing of Removal to Federal Court
- (F) List of Counsel of Record